REMARKS

Claims 1-43 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Defective Declaration

In the last Office Action, the Office found that the declaration was not sufficient to overcome the ADS reference because the declaration failed to fulfill all of the formal requirements for the submission of the declaration. Specifically, the Office was unable to locate exhibits 1-4 within the declaration.

Applicant has resubmitted the declaration that was submitted in the last response, and has **attached Exhibits 1-4** to the declaration.

In addition, the Office states that the declarant must set forth what type of declaration he/she is making in the body of the declaration. Applicant notes that the declaration specifically states "**Declaration Showing Reference's Disclosure Was Derived from Applicant's Own Work**". Furthermore, the body of the declaration states "we hereby declare that the above-mentioned article describes our own work as set forth in the above identified patent application." Accordingly, Applicant submits that the declaration does set forth the type of declaration.

However, in order to be clear, Applicant notes that the declaration is a **37 CFR 1.132** declaration.

§ 102 Rejections

Claims 13-15, 18-19, 22-23, 25, 27-28, 30-31, 34-40, and 42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by "Image Based Installation of the Operating System and the Cluster Service Using Automated Deployment Services (ADS)", January 1, 2003, Microsoft TechNet (hereinafter "ADS").

§ 103 Rejections

Claims 1-2, 4-5, 7-12, 20-21, 26, 29, and 43 stand rejected under §103(a) as being obvious under ADS in view of "Lab: Automated Deployment Services", June 23, 2003. (hereinafter "LAB").

Claims 3 and 6 stand rejected under §103(a) as being obvious under ADS in view of LAB and further in view of "Complete Pre-Upgrade Tasks", March 23, 2003, Microsoft TechNet. (hereinafter "CPUT").

Claims 16, 17, 24, 32, 33 and 41 stand rejected under §103(a) as being obvious under ADS in view of CPUT.

1.132 Declaration to Traverse the ADS Reference

In making out the rejection of claims 1-43, the Office uses ADS as the primary reference. Applicant submits that the content of ADS is attributable to the inventors of the current application. In § 2132.01 of the MPEP under the heading "APPLICANT CAN REBUT *PRIMA FACIE* CASE BY SHOWING REFERENCE'S DISCLOSURE WAS DERIVED FROM APPLICANT'S OWN WORK", this section instructs that a rejection can be "**overcome by submission of a specific declaration by**

the applicant establishing that the article is describing applicant's own work. *In re Katz,* 687 F.2d 450, 215 USPQ 14 (CCPA 1982)."

Accordingly, Applicant submits herewith a specific **37 CFR 1.132** declaration that establishes that the ADS reference describes Applicant's own work. The declaration identifies two disclosure documents that originally comprised the disclosure packet associated with the subject matter of the present application. In addition, several similarities between these documents and the ADS reference are identified and establish that the ADS reference describes a Microsoft product which was described in the disclosure packet and which pertains to the inventors' work.

In light of this declaration, the ADS reference is removed as a reference.

Accordingly, claims 1-43 are allowable.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 3/10/2008   By: /Lance R. Sadler/
                                        Lance R. Sadler
                                        Reg. No. 38,605
                                        (509) 755-7251